

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 4086 (Substitute H-4 as reported without amendment)  
Sponsor: Representative Mary Ann Middaugh  
House Committee: Transportation  
Senate Committee: Transportation

Date Completed: 4-30-03

### **RATIONALE**

Since 1979, numerous moving violations that were previously classified as misdemeanors have been changed to civil infractions. These include, for example, speeding, improper lane-changing, and careless driving. One violation that has not been changed is driving with expired license plate registration tabs. Some people believe that is a minor offense also that should be decriminalized.

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to make it a civil infraction, instead of a misdemeanor, to operate a noncommercial vehicle without displaying a valid registration plate issued for the current year.** The bill would take effect on September 1, 2003.

Under the Code, a person must attach to and display on a vehicle a valid registration plate issued for the vehicle by the Secretary of State for the current registration year. A person who violates this provision is guilty of a misdemeanor punishable by imprisonment of up to 90 days, a maximum fine of \$100, or both. Under the bill, the person would be responsible for a civil infraction. (Under the Code, a person determined to be responsible for a civil infraction may be fined up to \$100, and must be ordered to pay at least \$5 but not more than \$100 for the costs of the action against the person (MCL 257.907).)

Currently, if the vehicle is a commercial vehicle required to be registered according to the schedule of elected gross vehicle weights under Section 801(1)(k) of the Code, the driver is guilty of a misdemeanor, punishable by imprisonment for up to 90 days, a maximum fine of \$500, or both. The bill would

retain this provision. (Section 801(1)(k) establishes a registration fee schedule for trucks weighing 8,000 pounds or less towing a trailer or any other combination of vehicles, and trucks weighing 8,001 pounds or more, road tractors, and truck tractors.)

MCL 257.255

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Driving with expired registration tabs is a relatively minor violation for which a civil fine would be a more appropriate punishment than a misdemeanor penalty. People who commit civil infractions are found "responsible" rather than guilty, and contested cases usually are heard informally before a magistrate or traffic referee, rather than a judge. The change from criminal to civil status does not affect points charged against a driver's license for a specific violation. It does reduce the criminal stigma for minor traffic offenses, remove the threat of imprisonment, and eliminate the need for jury trials (as well as appointed counsel for indigent defendants), thus speeding adjudication and imposing penalties in ways that lower costs in the judicial and corrections systems.

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local governments.

There are no Statewide data available regarding misdemeanors. To the extent that current offenders driving with expired registration are actually being sentenced to jail, the bill could potentially reduce local corrections costs.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.